

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Manal Dia on 3/19/10.

The application has been amended as follows:

As per claim 1:

1. A method for a user at user equipment to interactively wager on races to be run with an interactive wagering with an interactive wagering application implemented using the user equipment, comprising:

allowing the ~~[[a]]~~ user at the user equipment to use the interactive wagering application to select desired wagering criteria;

receiving racing data at the user equipment about a plurality of races to be run;

determining with the user equipment whether a desired wagering opportunity exists by comparing at least a portion of the received racing data to the wagering criteria; and

using the interactive wagering application implemented using the user equipment to automatically take a particular action in response to determining that a desired

wagering opportunity exists, wherein the particular action comprises at least providing a notification to the user that the desired wagering opportunity exists.

As per claim 29:

29. A method for interactive wagering on horse races to be run with an interactive wagering application implemented using a set-top box connected to a television and a user input device, comprising:

providing a user with an opportunity to select a given horse using the user input device ~~the interactive wagering application~~;

receiving racing data at the set-top box about a plurality of races to be run;

determining with the set-top box if the given horse is to run in at least one race by comparing at least a portion of the received racing data to an identification of the given horse; and

automatically providing a notification to the user at the set-top box that the horse is to run in the at least one race and placing a wager for the given horse in response to determining that the given horse is to run in the at least one race.

As per claim 32:

32. An interactive wagering system in which an interactive wagering application is used to provide a user with an opportunity to place wagers on races to be run, comprising:

user television equipment configured to:

provide the user with an opportunity to select a given horse using the interactive wagering application;

receive racing data about a plurality of races to be run;

determine if the given horse is to run in at least one race by comparing at least a portion of the received racing data to an identification of the given horse; and

automatically provide a notification to the user that the horse is to run in the at least one race and place a wager for the given horse in response to determining that the given horse is to run in the at least one race; and

a transaction processing and subscription management system that handles the automatically placed wager.

As per claim 34:

34. A non-transitory computer-readable medium for use in an interactive wagering system, the non-transitory computer-readable medium comprising computer-readable instructions recorded thereon [[for]] that, when executed, cause the non-transitory computer-readable medium to implement the method comprising:

allowing a user to select desired wagering criteria;

receiving racing data about a plurality of races to be run;

determining whether a desired wagering opportunity exists by comparing at least a portion of the received racing data to the wagering criteria; and

automatically taking a particular action in response to determining that a desired wagering opportunity exists, wherein the particular action comprises at least providing a notification to the user that the desired wagering opportunity exists.

***Allowable Subject Matter***

2. Claims 1-17, 19-50, 52-67 are allowed.
3. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.
4. The following is an examiner's statement of reasons for allowance. None of the prior art of record either individually or in combination teach the following:
  - determining whether a desired wagering opportunity exists by comparing at least a portion of received racing data to the wagering criteria for a race to be run

-determining if the given horse is, to run in at least one race by comparing at least a portion of received racing data for a race to be run to an identification of the given horse;

The present invention discloses a method and system for interactive wagering with an interactive wagering application implemented using user equipment. The first allowable feature of determining whether a desired wagering opportunity exists by comparing at least a portion of received racing data to the wagering criteria for a race to be run is not disclosed by any prior art reference. The closest prior art, Graves et al (US 5,830,067) shows an electronic or mechanical device that acts as an automated agent enabling clients to participate in a game of chance even though a client is not present at the site of the game by purchasing wagering chances, playing those chances, and reporting the results of those games of chance to clients who are not present at the site where the game takes place. The next closest prior art, Brenner et al (US 6,099,409) discloses an interactive wagering system where a user reviews racing information, places bets using an off-track terminal, and interactively selects a desired racetrack and race. The next closest prior art, Hedges et al (US 4,467,424) discloses a remote gaming system for use with a wagering or gambling establishment such as a casino to enable a player's participation in a selected one of a plurality of wagering games from a remote location. However, Graves et al, Brenner et al and Hedges et al all fail to disclose the feature of determining whether a desired wagering opportunity exists by comparing at least a portion of received racing data to the wagering criteria for a race to be run. This distinct feature has been added to independent claims 1 and 34,

and renders them, and all claims that depend from them (claims 2-28, 62, 63 and 35-50, 52-61, 67 respectively) allowable.

The second allowable feature of determining if the given horse is, to run in at least one race by comparing at least a portion of received racing data for a race to be run to an identification of the given horse is not disclosed by any prior art reference. The closest prior art, Graves et al (US 5,830,067) shows an electronic or mechanical device that acts as an automated agent enabling clients to participate in a game of chance even though a client is not present at the site of the game by purchasing wagering chances, playing those chances, and reporting the results of those games of chance to clients who are not present at the site where the game takes place. The next closest prior art, Brenner et al (US 6,099,409) discloses an interactive wagering system where a user reviews racing information, places bets using an off-track terminal, and interactively selects a desired racetrack and race. The next closest prior art, Hedges et al (US 4,467,424) discloses a remote gaming system for use with a wagering or gambling establishment such as a casino to enable a player's participation in a selected one of a plurality of wagering games from a remote location. However, Graves et al, Brenner et al and Hedges et al all fail to disclose the feature of determining if the given horse is, to run in at least one race by comparing at least a portion of received racing data for a race to be run to an identification of the given horse. This distinct feature has been added to independent claims 29 and 32, and renders them, and all claims that depend from them (claims 30, 31, 64 and 33, 65 respectively) allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
March 29, 2010

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628